

Andrew Boyd to: Sharon Eng

01/17/2013 09:09 AM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:09 AM -----

From:

Lizanne Davis <Lizanne.Davis@fmc.com>

To:

, Daniel Stone ·

>, "Talia T. Martin"

<tamartin@sbtribes.com>, "Susan Hanson "

Andrew

Boyd/R10/USEPA/US@EPA

Cc:

Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>

Date:

01/16/2013 01:49 PM

Subject:

SEP 14 SMT LOA

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best, Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com



STUDY MANAGEMENT TEAM (SMT) AND APPROVED VENDORS

October 1, 2012 through December 31, 2012

January 1, 2013 through March 31, 2013

SEP 14 Study Management Team Members are responsible for a number of activities associated with the project including, but not limited to:

- 1. Project administration and oversight, including schedule and budget
- 2. Project conformance to the Consent Decree requirements and other EPA SEP guidance
- 3. Study Design Panel selection
- 4. Approval of Study Design Panel recommendations
- 5. Approval and management of contractors
- 6. Development and management of communication and education plan
- 7. Development and management of statements of work for authorized vendors.

This Letter of Authorization (LOA) authorizes Members of the SEP 14 Study Management Team (SMT) and Approved Vendors to carry out work authorized by the SMT and charge amounts to the SEP 14 project funds administered by *de maximis, inc.* as described below.

SMT Members receiving hourly compensation for activities authorized by the SMT are provided a maximum of eight (8) billable hours per month unless an agreement exists independent of this LOA expressly providing otherwise.

SMT Members who are employees of either the Tribes or FMC will not receive compensation from SEP 14 funding for their participation (excluding travel related expenses) for SEP 14 work.

SMT Members and Approved Vendors receiving hourly compensation from SEP 14 funds will maintain detailed time records by date describing activities under this LOA and will provide work descriptions in the invoices they submit for their work. The invoices will provide the information required under the *de maximis* invoice template and attach originals (or photocopies if authorized by the SMT) of the receipts for costs submitted for reimbursement.

Each invoice submitted under this LOA shall cover a one-month calendar period and must be submitted not later than the 20th day of the following month to be eligible for payment. In exceptional circumstances the SMT may approve submittal of individual invoices after the 20th day deadline. No charges outside the monthly calendar period of an invoice will be paid. No payment shall be made for hours billed in excess of those

authorized under this LOA unless those hours are approved by the SMT in advance of the additional work proposed to be performed. SMT-approved exceedances must be noted on the monthly invoice. Each vendor shall prepare a separate monthly invoice, which may be submitted for review and payment in conjunction with other invoices at the vendor's option.

All invoices for LOA 009 O-P_costs must be submitted (electronically or postmarked) to de maximis for receipt no later than October January 20, 2012-2013 to remain eligible for reimbursement from the SEP14 account. LOA 009 O-P_will be closed out no later than October January 20, 20122013.

Reasonable SMT and Approved Vendor expenses associated with the work authorized under this LOA shall be reimbursed and mileage costs for personal vehicle use for non-routine SEP 14 business shall be reimbursed at the prevailing IRS rate.

Approved By SMT: December 6, 2012

FMC:

SMT:

Liz Davis Bob Forbes Not approved as to compensation for time Not approved as to compensation for time

Dave Heineck Roz Schoof Not approved as to compensation for time

1102 5011001

Approved Vendors: DEFERRED 1ST QUARTER, 2010 ON TRIBAL MOTION

Nick Gudka See LOA 010 D
Paul Yochum See LOA 010 D
Dina Johnson See LOA 010 D
Rob Hartman See LOA 010 D

Approved Vendor: DEFERRED June 15, 2011

Dina Johnson

See LOA 010D

Approved Vendor:

Paul Yochum: 8 hours for Exponent/SMT/FHBC meetings January, 2012

Tribes:

SMT:

Susan Hanson Hobby Hevewah

Talia Martin Danny Stone Not approved as to compensation for time Not approved as to compensation for time





Andrew Boyd to: Sharon Eng

01/17/2013 09:10 AM

----- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:09 AM -----

From:

Susan Hanson

To:

Lizanne Davis <Lizanne.Davis@fmc.com>

Cc:

Daniel Stone

"Talia T. Martin"

<tamartin@sbtribes.com>, Andrew Boyd/R10/USEPA/US@EPA, Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>, susanh

Virginia Monsisco <vmonsisco@sbtribes.com>

Date: Subject: 01/16/2013 02:12 PM Re: SEP 14 SMT LOA

Lizanne, I approve.

Are all invoices in for the prior LOA to be closed out by Jan. 20, per this LOA? Susan Hanson

On Jan 16, 2013, at 2:47 PM, Lizanne Davis < Lizanne. Davis @fmc.com > wrote:

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best, Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com

<image001.png>

<SMT LOA 009Q.docx>



Andrew Boyd to: Sharon Eng

01/17/2013 09:10 AM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:10 AM -----

From:

David Heineck <davidh@SummitLaw.com>

To:

'Lizanne Davis' <Lizanne.Davis@fmc.com>, 'Robert Forbes' <ROBERT.FORBES@fmc.com>, 'Rosalind Schoof' <rschoof@environcorp.com>, "'Bill Bacon'" <bbacon@sbtribes.com>, 'bill bacon'

, 'Daniel Stone'

"Talia T. Martin"

<tamartin@sbtribes.com>, 'Susan Hanson '

Andrew

Boyd/R10/USEPA/US@EPA

Cc:

'Michael Percival' <mper@demaximis.com>, 'Joseph Heimbuch' <Heimbuch@demaximis.com>

Date: Subject: 01/16/2013 02:17 PM RE: SEP 14 SMT LOA

Liz:

The proposed SMT LOA looks good to me and I approve it.

Dave

David M. Heineck | Summit Law Group, PLLC

315 5th Ave. South, Suite 1000, Seattle, Washington 98104 T: 206/676-7030 M: 206/940-7030 F: 206/676-7031 davidh@summitlaw.com | www.summitlaw.com

From: Lizanne Davis [mailto:Lizanne.Davis@fmc.com]

Sent: Wednesday, January 16, 2013 1:48 PM

To: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; Daniel Stone; Talia T. Martin;

Susan Hanson; Boyd.Andrew@epamail.epa.gov

Cc: Michael Percival; Joseph Heimbuch

Subject: SEP 14 SMT LOA

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best. Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com



------Summit Law Group ------The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at the above e-mail address.

Circular 230 Notice: To comply with IRS regulations, please note that any discussion of Federal tax issues in this email (and in any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (a) avoiding any penalties imposed under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.



Andrew Boyd to: Sharon Eng

01/17/2013 09:11 AM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:10 AM -----

From:

"Talia T. Martin" <tamartin@sbtribes.com>

To:

Lizanne Davis <Lizanne.Davis@fmc.com>, Robert Forbes <ROBERT.FORBES@fmc.com>, David Heineck <davidh@summitlaw.com>, "Rosalind Schoof" <rschoof@environcorp.com>, Bill Bacon

<bbecon@sbtribes.com>. '

>, Daniel Stone

"Susan Hanson "

Andrew

Bovd/R10/USEPA/US@EPA

Cc:

Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>

Date: Subject: 01/16/2013 02:22 PM RE: SEP 14 SMT LOA

l approve

Talia

From: Lizanne Davis [mailto:Lizanne.Davis@fmc.com]

Sent: Wednesday, January 16, 2013 2:48 PM

To: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; Daniel Stone; Talia T. Martin;

Susan Hanson; Boyd.Andrew@epamail.epa.gov

Cc: Michael Percival; Joseph Heimbuch

Subject: SEP 14 SMT LOA

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best, Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com





Andrew Boyd to: Sharon Eng

01/17/2013 09:11 AM

----- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:11 AM -----

From:

Lizanne Davis <Lizanne.Davis@fmc.com>

To:

Susan Hanson ·

Cc:

. , Daniel Stone

"Talia T. Martin"

<tamartin@sbtribes.com>, Andrew Boyd/K1U/USEPA/US@EPA, Michael Percival

<mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>, "Virginia Monsisco"

<vmonsisco@sbtribes.com>

Date:

01/16/2013 03:35 PM

Subject:

RE: SEP 14 SMT LOA

Dear Susan,

Yes, the prior LOA is to be closed out by January 20, 2013 and thanks for the thumbs up on this LOA!

L

Lizanne H. Davis Director

FMC Corporation

1101 Pennsylvania Ave., NW

Suite 325

Washington, DC 20004

202.956.5211 (Office), 202.412.1055 (Cell)

202.956.5235 (Fax)

lizanne.davis@fmc.com

environmental.fmc.com



From: Susan Hanson [mailtr

Sent: Wednesday, January 16, 2013 5:12 PM

To: Lizanne Davis

Cc: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; Daniel Stone; Talia T. Martin; Boyd.Andrew@epamail.epa.gov; Michael Percival; Joseph Heimbuch; susanh // /irginia Monsisco

Subject: Re: SEP 14 SMT LOA

Lizanne, I approve.

Are all invoices in for the prior LOA to be closed out by Jan. 20, per this LOA? Susan Hanson

On Jan 16, 2013, at 2:47 PM, Lizanne Davis < <u>Lizanne.Davis@fmc.com</u>> wrote: Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best, Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com

<image001.png>

<SMT LOA 009Q.docx>

Click here to report this email as spam.



Andrew Boyd to: Sharon Eng

01/17/2013 09:12 AM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 09:11 AM -----

From:

Robert Forbes < ROBERT.FORBES@fmc.com>

To:

Lizanne Davis <Lizanne.Davis@fmc.com>, David Heineck <davidh@summitlaw.com>, Rosalind

Schoof <rschoof@environcorp.com>, Bill Bacon <bbacon@sbtribes.com>, bill bacon

"Talia T. Martin"

, Daniel Stone <tamartin@sbtribes.com>, "Susan Hanson "

. Andrew

Cc:

Boyd/R10/USEPA/US@EPA Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>

Date:

01/16/2013 09:17 PM

Subject:

RE: SEP 14 SMT LOA

I approve

From: Lizanne Davis

Sent: Wednesday, January 16, 2013 4:48 PM

To: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; Daniel Stone; Talia T. Martin;

Susan Hanson; Boyd.Andrew@epamail.epa.gov

Cc: Michael Percival; Joseph Heimbuch

Subject: SEP 14 SMT LOA

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best. Liz

Lizanne H. Davis Director **FMC** Corporation 1101 Pennsylvania Ave., NW Suite 325 Washington, DC 20004 202.956.5211 (Office), 202.412.1055 (Cell) 202.956.5235 (Fax) lizanne.davis@fmc.com environmental.fmc.com





Andrew Boyd to: Sharon Eng

01/17/2013 01:21 PM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/17/2013 01:20 PM -----

From:

Rosalind Schoof <rschoof@environcorp.com>

To:

Lizanne Davis <Lizanne.Davis@fmc.com>, Robert Forbes <ROBERT.FORBES@fmc.com>. David

Heineck <davidh@summitlaw.com>, Bill Bacon <bbacon@sbtribes.com>, bill bacon >, Daniel Stone .

, "Talia T. Martin"

<tamartin@sbtribes.com>, "Susan Hanson "

Andrew

Boyd/R10/USEPA/US@EPA

Cc:

Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>

Date: Subject: 01/17/2013 12:34 PM RE: SEP 14 SMT LOA

I approve the new LOA, too.



Rosalind A. Schoof, PhD, DABT | Principal **ENVIRON International Corporation** 901 Fifth Avenue, Suite 2820 | Seattle, WA 98164 T: +1 206 336 1653 | F: +1 206 336 1651 | M: +1 206 713 5449 rschoof@environcorp.com

From: Lizanne Davis [mailto:Lizanne.Davis@fmc.com]

Sent: Wednesday, January 16, 2013 1:48 PM

To: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; Daniel Stone; Talia T. Martin;

Susan Hanson; Boyd.Andrew@epamail.epa.gov

Cc: Michael Percival; Joseph Heimbuch

Subject: SEP 14 SMT LOA

Dear All,

Attached is a SMT LOA for the 1st quarter, 2013. It is a replica of the prior LOA with necessary changes to dates/LOA number. Please provide your approval. We await word from the SDP pending a revision to the Exponent Progress Report per the conference call they had with Dominik Alexander. I expect we will reconvene following the SDP review.

Best, Liz

Lizanne H. Davis Director **FMC** Corporation 1101 Pennsylvania Ave., NW Suite 325 Washington, DC 20004

202.956.5211 (Office), 202.412.1055 (Cell) 202.956.5235 (Fax) <u>lizanne.davis@fmc.com</u> environmental.fmc.com



This message contains information that may be confidential, privileged or otherwise protected by law from disclosure. It is intended for the exclusive use of the Addressee(s). Unless you are the addressee or authorized agent of the addressee, you may not review, copy, distribute or disclose to anyone the message or any information contained within. If you have received this message in error, please contact the sender by electronic reply to email@environcorp.com and immediately delete all copies of the message.



Fw: SEP 14 SMT LOA, 1st quarter 20013 FOR FOIA

Andrew Boyd to: Sharon Eng

01/22/2013 12:33 PM

----- Forwarded by Andrew Boyd/R10/USEPA/US on 01/22/2013 12:33 PM -----

From:

Lizanne Davis <Lizanne.Davis@fmc.com>

To:

Robert Forbes <ROBERT.FORBES@fmc.com>, David Heineck <davidh@summitlaw.com>,

Rosalind Schoof <rschoof@environcorp.com>, bill bacon

<bbacon@sbtribes.com>, Daniel Stone

"Talia T. Martin"

<tamartin@sbtribes.com>, "susanh

>, Andrew

Boyd/R10/USEPA/US@EPA

Cc:

Joseph Heimbuch Heimbuch@demaximis.com, Michael Percival Mper@demaximis.com,

Paul Yochum <Paul.Yochum@fmc.com>, '

Date:

01/22/2013 07:20 AM

Subject:

SEP 14 SMT LOA, 1st quarter 20013

Dear All,

Attached is the final SMT LOA for 1st quarter, 2013. Thanks for your replies.

Best.

Liz

Lizanne H. Davis Director **FMC Corporation** 1101 Pennsylvania Ave., NW

Suite 325

Washington, DC 20004

202.956.5211 (Office), 202.412.1055 (Cell)

202.956.5235 (Fax)

lizanne.davis@fmc.com

environmental.fmc.com



SMT LOA 009Q.docx

SEP 14 LETTER OF AUTHORIZATION

STUDY MANAGEMENT TEAM (SMT) AND APPROVED VENDORS

January 1, 2013 through March 31, 2013

SEP 14 Study Management Team Members are responsible for a number of activities associated with the project including, but not limited to:

- 1. Project administration and oversight, including schedule and budget
- 2. Project conformance to the Consent Decree requirements and other EPA SEP guidance
- 3. Study Design Panel selection
- 4. Approval of Study Design Panel recommendations
- 5. Approval and management of contractors
- 6. Development and management of communication and education plan
- 7. Development and management of statements of work for authorized vendors.

This Letter of Authorization (LOA) authorizes Members of the SEP 14 Study Management Team (SMT) and Approved Vendors to carry out work authorized by the SMT and charge amounts to the SEP 14 project funds administered by *de maximis, inc.* as described below.

SMT Members receiving hourly compensation for activities authorized by the SMT are provided a maximum of eight (8) billable hours per month unless an agreement exists independent of this LOA expressly providing otherwise.

SMT Members who are employees of either the Tribes or FMC will not receive compensation from SEP 14 funding for their participation (excluding travel related expenses) for SEP 14 work.

SMT Members and Approved Vendors receiving hourly compensation from SEP 14 funds will maintain detailed time records by date describing activities under this LOA and will provide work descriptions in the invoices they submit for their work. The invoices will provide the information required under the *de maximis* invoice template and attach originals (or photocopies if authorized by the SMT) of the receipts for costs submitted for reimbursement.

Each invoice submitted under this LOA shall cover a one-month calendar period and must be submitted not later than the 20th day of the following month to be eligible for payment. In exceptional circumstances the SMT may approve submittal of individual invoices after the 20th day deadline. No charges outside the monthly calendar period of an invoice will be paid. No payment shall be made for hours billed in excess of those authorized under this LOA unless those hours are approved by the SMT in advance of the

additional work proposed to be performed. SMT-approved exceedances must be noted on the monthly invoice. Each vendor shall prepare a separate monthly invoice, which may be submitted for review and payment in conjunction with other invoices at the vendor's option.

All invoices for LOA 009 P costs must be submitted (electronically or postmarked) to de maximis for receipt no later than January 20, 2013 to remain eligible for reimbursement from the SEP14 account. LOA 009 P will be closed out no later than January 20, 2013.

Reasonable SMT and Approved Vendor expenses associated with the work authorized under this LOA shall be reimbursed and mileage costs for personal vehicle use for nonroutine SEP 14 business shall be reimbursed at the prevailing IRS rate.

Approved By SMT:

By email:

January 22, 2012

Robert Forbes
Liz Davis
Dave Heineck
Roz Schoof
Susan Hanson
Talia Martin

SMT Members and Approved Vendors

LOA 009 Q

FMC:

SMT:

Liz Davis

Not approved as to compensation for time

Bob Forbes

Not approved as to compensation for time

Dave Heineck Roz Schoof

Not approved as to compensation for time

Approved Vendors:

DEFERRED 1ST QUARTER, 2010 ON TRIBAL MOTION

Nick Gudka

See LOA 010 D

Paul Yochum

See LOA 010 D

Dina Johnson

See LOA 010 D

Rob Hartman

See LOA 010 D

Approved Vendor: DEFERRED June 15, 2011

Dina Johnson

See LOA 010D

Approved Vendor:

Paul Yochum: 8 hours for Exponent/SMT/FHBC meetings January, 2012

Tribes:

SMT:

Susan Hanson

Hobby Hevewah

Talia Martin

Not approved as to compensation for time

Danny Stone

Not approved as to compensation for time



Fw: SEP 14 Budget Reallocation FOR FOIA

Andrew Boyd to: Kevin Schanilec, Sharon Eng

01/24/2013 04:18 PM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/24/2013 04:17 PM -----

From:

Lizanne Davis <Lizanne.Davis@fmc.com>

To:

Robert Forbes <ROBERT.FORBES@fmc.com>, David Heineck <davidh@summitlaw.com>,
Rosalind Schoof <rschoof@environcorp.com>, Bill Bacon

dstone@sbtribes.com" <dstone@sbtribes.com>, "Talia T. Martin"

<tamartin@sbtribes.com>, "susanh(

>, Andrew

Cc:

Paul Yochum <Paul.Yochum@fmc.com>,

Date:

01/24/2013 11:51 AM

Subject:

SEP 14 Budget Reallocation

Dear All, Attached is the budget reallocation letter FedEx'd to all recipients today. Best, Liz

Lizanne H. Davis
Director
FMC Corporation
1101 Pennsylvania Ave., NW
Suite 325
Washington, DC 20004
202.956.5211 (Office), 202.412.1055 (Cell)
202.956.5235 (Fax)
lizanne.davis@fmc.com
environmental.fmc.com



EPA Budget Reallocation Letter 1 24 13.pdf

Director	Director, CERCLA/RCRA Program
Office of Waste and Chemicals Management	Shoshone-Bannock Tribes
M/S WCM-127	P.O. Box 306
U.S. Environmental Protection Agency	Fort Hall, Idaho 83203
1200 Sixth Avenue	[two copies]
Seattle, Washington 98101	
[four copies]	
Regional Counsel	Chief, Environmental Enforcement Section
Office of Regional Counsel	Environment and Natural Resources Division
U.S. Environmental Protection Agency	U.S. Department of Justice
Region 10	1425 New York Avenue, N.W.
1200 Sixth Avenue	Washington, D.C. 20005
Seattle, Washington 98101	
Attorney's Office	
Shoshone-Bannock Tribes	
P.O. Box 306	
Fort Hall, Idaho 83203	

Re: <u>United States v. FMC Corporation</u>, Civil. No. CIV 98-0406-E-BLW (D. Idaho) Proposed SEP 14 budget re-allocation

Dear Sirs:

The July 1999 consent decree in the above-referenced action specifies fourteen Supplemental Environmental Projects (SEPs) that FMC Corporation (FMC) agreed to carry out in mitigation of a Resource Conservation and Recovery Act (RCRA) civil penalty regarding FMC's former operation of an elemental phosphorus plant near Pocatello, Idaho. The last of these SEPs, referenced as SEP 14 and entitled *Fort Hall Environmental Health Assessment*, requires FMC to commit a minimum of \$1,650,000 to fund a study of the potential human health effects on Fort Hall Reservation residents from releases from the FMC facility. The consent decree calls for FMC to coordinate with the Shoshone-Bannock Tribes (the Tribes) in managing, planning and conducting this SEP, through means such as joint FMC and Tribal representation on a Study Management Team (SMT) and both FMC and Tribal appointments of scientists to a Study Design Panel (SDP) for study planning and oversight.

Letter re proposed SEP 14 budget re-allocation January 17, 2013 Page 2

This letter is a joint request from both FMC and Tribal SMT representatives that EPA approve a change in the consent decree-specified allocations of the SEP amount among the project tasks. The following lists the categories of SEP 14 project tasks as set forth in the consent decree and the budget allocations for these tasks as approved by EPA in 2010:

Study Planning and Development (referred to as	
Code A under the accounting system FMC has established for this project)	\$450,000
Implementation and completion of approved assessment/ study plan (Code B)	\$950,000
Implementation of Communication/	3
Education in accordance with approved plan (Code C)	\$50,000
Study Management Team (Code D)	\$200,000
Total:	\$1,650,000

FMC and the Tribes request that EPA approve reducing the Code A budget amount from \$450,000 to \$400,000, and making a corresponding increase in the Code D budget amount from \$200,000 to \$250,000. The following table presents the current and proposed reallocated project budget:

SEP 14 Project Element	Current Budget	Proposed Re-Allocated Budget
Code A: Health Study Planning and	\$450,000	\$400,000
Development Code B: Health Study Implementation	\$950,000	\$950,000
and Completion Code C: Implementation of	\$50,000	\$50,000
Communication/ Education Plan		2
Code D: Study Management Team	\$200,000	\$250,000

This change is both needed and justified. The change is needed because the funds available under Code D, which provides funding for SMT project administration, are almost exhausted. This is shown in the enclosed table entitled SEP-14 Budget Cost Tracking Summary. As set forth in that table, only \$1,773 remained in the existing \$200,000 allocation for Code D as of November 2, 2012. The remaining Code D funds will be depleted in the very near future. Project funds must be re-allocated so that the SMT can continue to carry out the management functions prescribed by the consent decree.

Letter re proposed SEP 14 budget re-allocation January 17, 2013 Page 3

This change also is fully justified, for two reasons. First, FMC as the project proponent with assistance from the Tribal SMT members has exercised close management to focus the project work and minimize inefficiency. In the case of SMT expenses, management measures have included the use of Letters of Authorization (LOAs) to specifically define the authorized tasks, the maximum authorized charges, and the level of information required in the monthly invoices to verify that the charges are within the scope of the LOAs. The drawdown of the Code D funds has been due to the level of management effort required in this project, and not due to the lack of management controls.

Second, providing the needed additional funding to Code D by transferring those funds from Code A is appropriate because the Code A work—for health study planning and development—has been completed. That work was completed when EPA approved the Study Design Work Plan in 2010 and the use of Exponent, Inc. as the health study contractor in 2011. Thus there is no need under Code A for the \$50,370 the enclosed table shows is still allocated to that work. Those funds can be re-allocated to Code D without any impact to the Code A work. Any remaining changes that may be made to the scope of the health studies based on what Exponent reports is an inability to perform two of the studies would remain within the scope of the approved Study Design Work Plan, and would be funded as study implementation costs under Code B.

We look forward to EPA's consideration and approval of this request.

Sincerely,

FMC SMT Representative

Danny Stone

Shoshone-Bannock Tribes SMT Representative

Metane

Enclosure

. ,	SEP-14 Budget Cost Tracking Summary	acking Sum	mary	
	SEP14 Budget (Accounting Code)	SEP14 Budget	Total Cost Expended as of Nov. 2, 2012	Total Cost Remaining as of Nov. 2, 2012
	Code			,
Code A:	Code A: Study, Planning and Development	\$450,000	\$399,630	\$50,370
Code B:	Code B: Approved Study Plan	\$950,000	\$303,192	\$646,808
Code C:	Code C: Communication and Education Plan	\$50,000	\$5,330	\$44,670
Code D:	Code D: Study Management and Administration	\$200,000	\$198,227	\$1,773
	TOTAL	\$1,650,000	\$906,379	\$743,621

¹⁾ Total costs shown as expended thru November 2, 2012 do not necessarily include billing and receipt of all authorized costs thru October 2012 as some vendor costs may not yet have been invoiced as of November 2, 2012...

²⁾ Code-Allocated costs based on SDP costs (100% Code A); SMT costs (50% Code A & 50% Code D;; HSC costs (100% Code B)

Assumes 6 hours per month for SDP for January thru December 2012. Assumes 16 hours per month for April thru June 2012 and 8 hours per month for July thru December 2012 for SMT members. Also assumes a \$161,350 payment to Health Study Contractor in July 2012 and \$161,350 in December 2012.



Fw: SEP 14 Budget Reallocation FOR FOIA

Andrew Boyd to: Sharon Eng

01/28/2013 07:36 AM

---- Forwarded by Andrew Boyd/R10/USEPA/US on 01/28/2013 07:35 AM -----

From:

Robert Forbes < ROBERT.FORBES@fmc.com>

To:

Lizanne Davis <Lizanne.Davis@fmc.com>, David Heineck <davidh@summitlaw.com>, Rosalind

Schoof <rschoof@environcorp.com>, Bill Bacon <bbacon@sbtribes.com>, bill bacon

"dstone@sbtribes.com" <dstone@sbtribes.com>, "Talia T. Martin"

<tamartin@sbtribes.com>, "susanh(

. Andrew

Bovd/R10/USEPA/US@EPA

Cc:

Michael Percival <mper@demaximis.com>, Joseph Heimbuch <Heimbuch@demaximis.com>,

Paul Yochum <Paul.Yochum@fmc.com>,

Date:

01/25/2013 03:03 PM

Subject:

RE: SEP 14 Budget Reallocation

Great work Danny and Liz!

From: Lizanne Davis

Sent: Thursday, January 24, 2013 2:47 PM

To: Robert Forbes; David Heineck; Rosalind Schoof; Bill Bacon; bill bacon; dstone@sbtribes.com; Talia T.

Martin; susanh Boyd.Andrew@epamail.epa.gov

Cc: Michael Percival; Joseph Heimbuch; Paul Yochum; Paul Yochum

Subject: SEP 14 Budget Reallocation

Dear All,

Attached is the budget reallocation letter FedEx'd to all recipients today.

Best,

Liz

Lizanne H. Davis

Director

FMC Corporation

1101 Pennsylvania Ave., NW

Suite 325

Washington, DC 20004

202.956.5211 (Office), 202.412.1055 (Cell)

202.956.5235 (Fax)

lizanne.davis@fmc.com

environmental.fmc.com



•